

TOWN OF RED CEDAR JUNK VEHICLE ORDINANCE

ORDINANCE NO.: 2016-10

It is hereby ordained by the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, as follows:

Section 1 - Purpose and Intent

The purpose and intent of this Ordinance is for the Town of Red Cedar to regulate by permit and penalty the storing of certain junked vehicles in the Town of Red Cedar.

Section 2 - Authority

The Town Board of the Town of Red Cedar has the specific authority under s. 175.25, Wis. Stats., and general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance.

Section 3 - Adoption of Ordinance

This ordinance, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, provides for the regulation by permit of storage of certain junked vehicles in the town.

This ordinance shall have a first reading and be held over to the next ensuing town board meeting for a second reading and motion for adoption unless otherwise agreed to by a majority of town board members.

Section 4 – Definitions – without limitation, the following definitions apply herein:

- A. "Junked vehicle" means any inoperable, ruined, dismantled, or wrecked vehicle, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling, or dismantling purposes. For purposes of this ordinance, a motor vehicle is rebuttably presumed to be inoperable if it is not moved for a period of 30 consecutive days. Demonstrating to the town board or its representative that the motor vehicle can be moved from its location under its own power conclusively rebuts the presumption.
- B. "Junked vehicle parts" means parts from a junked vehicle.
- C. "Motor vehicle," except when included in the terms "motor vehicle dealer" or "motor vehicle salvage dealer," means a vehicle that was, at the time of its manufacture, self-propelled.
- D. "Motor vehicle salvage dealer" means a person who purchases and resells vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping, or dismantling motor vehicles or selling parts of motor vehicles or selling parts of motor vehicles so processed, including a motor vehicle salvage dealer who sells no vehicles or vehicle parts and whose business is limited to a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.

- E. "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.
- F. "Town" means the Town of Red Cedar, Dunn County, Wisconsin.
- G. "Town board" means the board of supervisors for the Town of Red Cedar, Dunn County, Wisconsin, and includes designees of the board authorized to act for the board.
- H. "Town clerk" means the clerk of the Town of Red Cedar, Dunn County, Wisconsin.
- I. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:
 - (1) "Aircraft" as defined in s. 29.001 (16), Wis. Stats.
 - (2) "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. Stats.
 - (3) "Antique vehicles" as described in s. 341.265, Wis. Stats.
 - (4) "Automobiles" as defined in s. 340.01 (4), Wis. Stats.
 - (5) "Boats" as defined in s. 29.001 (16), Wis. Stats.
 - (6) "Camping trailers" as defined in s. 340.01(6m), Wis. Stats.
 - (7) "Farm equipment" as defined in s. 100.47 (1), Wis. Stats.
 - (8) "Farm tractors" as defined in s. 340.01 (16), Wis. Stats.
 - (9) "Hobbyist or homemade vehicles" as defined in s. 3441.268, Wis. Stats.
 - (10) "Junk vehicles" as defined in s. 340.01 (25j), Wis. Stats.
 - (11) "Implements of husbandry" as defined in s. 340.01 (29), Wis. Stats.
 - (12) "Manufactured home" as defined in s. 101.91 (2), Wis. Stats.
 - (13) "Mobile homes" as defined in s. 340.01 (30), Wis. Stats.
 - (14) "Mopeds" as defined in s. 340.01(29m), Wis. Stats.
 - (15) "Motor bicycles" as defined in s. 340.01(30), Wis. Stats.
 - (16) "Motor buses" as defined in s. 340.01 (31), Wis. Stats.
 - (17) "Motor homes" as defined in s. 340.01(33m), Wis. Stats.

- (18) "Motor trucks" as defined in s. 340.01 (34), Wis. Stats.
- (19) "Motorcycles" as defined in s. 340.01 (32), Wis. Stats.
- (20) "Railroad trains" as defined in s. 340.01 (48), Wis. Stats.
- (21) "Recreational vehicles" as defined in s. 340.01 (48r), Wis. Stats.
- (22) "Road machinery" as defined in s. 340.01 (52), Wis. Stats.
- (23) "Road tractors" as defined in s. 340.01 (53), Wis. Stats.
- (24) "Salvage vehicles" as defined in s. 340.01 (55g), Wis. Stats.
- (25) "School buses" as defined in s. 340.01 (56), Wis. Stats.
- (26) "Semi-trailers" as defined in s. 340.01 (57), Wis. Stats.
- (27) "Snowmobiles" as defined in s. 340.01 (58), Wis. Stats.
- (28) "Special interest vehicles" as defined in s. 341.266, Wis. Stats.
- (29) "Trailers" as defined in s. 340.01 (71), Wis. Stats.
- (30) "Truck tractors" as defined in s. 340.01 (73), Wis. Stats.
- (31) "Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
- (32) Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

J. "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

Section 5 – Coverage

- A. No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, not more than one on any real property of two acres or less and not more than three on any real property two acres or more junked vehicles or junked vehicle parts outside of any building on any real estate located within the town without obtaining a junked vehicle permit from the town board.
- B. No person may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway without obtaining a junked vehicle permit from the town board.

- C. The fee for issuance of a junked vehicle permit shall be established by the town board at \$100.00 for any real property of two acres or less and \$500.00 for any real property of two acres or more. The term of the permit shall be from the date of the year of issue to June 30 of the next year. The permit shall be issued by the town board prior to any person accumulating or storing any junked vehicle or junked vehicle parts in the town subject to this ordinance.

Section 6 – Permit Requirements

In order to obtain a permit, the applicant shall provide the below information in narrative form. Upon town board approval, the permit may be amended without charge if the permittee changes premises in the town. However, the permit is not transferable from one person to another.

- A. The name of the applicant, any agent of applicant, and the owner of the premises, if different from the applicant.
- B. The address of the premises.
- C. The premises' telephone number, if any, and the residential telephone number of the applicant if different from the premises' telephone number, the business and residential telephone number of any agent, and the business and residential telephone number of the owner of the premises, if different from the applicant.
- D. The age of the applicant and of the owner of the premises, if different from the applicant.
- E. The legal description of the premises.
- F. The manner, if any, of storing and transporting junked vehicle and junked vehicle parts.
- G. The projected number of junked vehicles or junked vehicle parts projected to be stored, accumulated, or otherwise kept on the premises and the projected number of years of accumulation, storage, and removal of the junked vehicles and junked vehicle parts.
- H. Any other items requested by the town board in writing.

Section 7 – Ordinance/Permit Provisions

- A. Persons subject to this ordinance shall comply with ss. 84.31 and 175.25, Wis. Stats.
- B. Each junk vehicle permit issued by the town board shall include conditions regarding all of the following, which shall be established on a case-by-case basis by the town board:
 - (1) Installation and maintenance of fences on the premises.
 - (2) Provision and maintenance of adequate fire safety equipment on the premises.
 - (3) Protocol established on removal or draining of all vehicle tanks and engines on the premises.
 - (4) Installation and maintenance of adequate sanitary facilities on the premises.

- (5) Operational hours at the premises.
 - (6) Installation and maintenance of adequate and necessary physical structures and equipment and provision of necessary personnel.
 - (7) Rules and safeguards to prevent public nuisances and to protect the public health and safety of persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
 - (8) Prohibition of open fires or open burning of solid waste at the premises.
 - (9) Prohibition of any hazardous waste being stored, kept, or disposed of at the premises.
 - (10) Installation and maintenance of adequate landscaping upon and surrounding the premises.
 - (11) Provision and maintenance of adequate security and operational personnel to prevent trespassing onto the premises.
 - (12) The number of junked vehicles and junked vehicle parts authorized to be kept on the premises.
 - (13) Installation and maintenance of adequate physical structures and operational controls to prevent trespassing, littering, and private nuisances on private and public lands adjacent to the premises.
 - (14) Any other condition determined by the town board to be necessary and appropriate.
- C. The applicant and any other person subject to this ordinance are subject to all of the following:
- (1) No person shall be issued or reissued a junked vehicle permit in the town until the appropriate application fee has been paid to the town clerk.
 - (2) No person shall be issued or reissued a permit in the town who has failed to properly and fully complete and submit to the town clerk the application form as developed and provided by the town.
 - (3) No person shall be issued or reissued a junked vehicle permit, and a permittee may have the permit revoked after a public hearing by the town board, if the applicant for the junked vehicle permit or permittee has done any of the following:
 - a. Violated any condition stated in the junked vehicle permit.
 - b. Failed to comply, as determined by the town board, with any town or county zoning ordinances.
 - c. Failed to allow physical access to the premises by the town board or its designee for inspection purposes upon 24 hours' notice to the applicant or permittee.

Section 8 – Exceptions

- A. The applicant or permittee can request exceptions from the minimum standards and provisions of this ordinance if it can demonstrate that the public health, safety and welfare will not be adversely affected thereby.
- B. The Town Board may, at any time, impose requirements in addition to or exceeding the minimum standards and provisions of this ordinance if it has evidence that the public health safety and welfare is not being or will not be adequately protected without the imposition of additional measures.

Section 9 - Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall pay a forfeiture of not less than \$200.00 nor more than \$ 1,000.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to prevent further violations.

Section 10 – Severability

If any section, clause, provision, or portion of this ordinance, or if the application of this ordinance to any person or circumstance, be adjudged unconstitutional or invalid, unlawful, or unenforceable by final order of a court of competent jurisdiction, including all applicable appeals, the remaining provisions or application of this ordinance shall remain in full force and effect.

Section 11 – Effective Date

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The foregoing Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the 11th day of July, 2016

Jerome Prochnow
Jerome Prochnow, Town Board Chairperson

Deb Gotlibson
Deb Gotlibson, Supervisor 1

Robert Cook
Robert Cook, Supervisor 2

Dave Leach
Dave Leach, Supervisor 3

Doug Miller
Doug Miller, Supervisor 4

Published: 07/30/2016
Dunn Co. News

Attest:

Cheryl Miller
Cheryl Miller, Clerk